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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,329	04/09/2004	Jorgen Bjorkner	000500-316	9994

21839 7590 09/12/2005

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EXAMINER

THOMPSON, MARC D

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/821,329		BJORKNER, JORGEN	
	<b>Examiner</b>		<b>Art Unit</b>	
	Tam (Jenny) Phan		2144	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Amendments received on 07/15/2005 have been entered. Claims 1 and 11 are currently amended. Claims 1-20 are presented for examination.

#### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

3. The effective filing date for the subject matter defined in the pending claims which has support in parent SE 02/01826 in this application is 10/08/2002. Any new subject matter defined in the claims not previously disclosed in parent SE02/01826, is entitled to the effective filing date of 04/12/2004.

#### ***Drawings***

4. The drawings were received on 07/15/2005. These drawings are acceptable.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Godefroid et al. (U.S. Patent Number 6,697,840), herein after referred to as Godefroid in view of Kirmse et al. (U.S. Patent Number 6,669,125), hereinafter referred to as Kirmse.

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7. Regarding claim 1, Godefroid disclosed a method for providing a user with a presence service (Title, Abstract), comprising: connecting a presence program logic to an application having addresses representing different objects (Abstract, column 2 lines 38-51, column 3 lines 9-21), comprising interfaces for extensibility and operating in a terminal belonging to the user; connecting said presence program logic to a presence managing system (column 3 lines 9-21, column 4 lines 48-63); and utilizing at least one interface present in the application to perform presence service for at least one object represented by an address in the application (column 2 lines 38-51, column 3 lines 9-21, column 4 lines 48-63, column 5 lines 1-14).

8. Godefroid taught the invention substantially as claimed. However, Godefroid did not expressly teach connecting a presence program logic to an application not already having functions for presence service.

9. Godefroid suggested exploration of art and/or provided a reason to modify the presence service method with additional features such as connecting a presence program logic to an application not already having functions for presence service (column 2 lines 38-51, column 3 lines 35-50, column 10 lines 36-39).

10. Kirmse disclosed a method for connecting a presence program logic to an application not already having functions for presence service (Title, Abstract, column 4 lines 1-18, column 6 lines 49-63, column 7 lines 54-67).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the presence service method of Godefroid with the teachings of Kirmse to connect a presence program logic to an application not already

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having functions for presence service in order to provide presence awareness for users of the application since presence information could be extremely valuable for quickly locating colleagues, or for reviewing agendas of ongoing meetings (Godefroid, column 2 lines 19-25) and since presence could go a long way toward alleviating problems like phone tag by informing distant colleagues about who is actually available, and when (Godefroid, column 26-37).

12. Regarding claim 2, Godefroid disclosed a method comprising: using an interface present in the application to retrieve addresses from an address list stored in the application for use in the presence services (column 2 lines 38-51, column 3 lines 9-21, column 8 lines 35-65).

13. Regarding claim 3, Godefroid disclosed a method comprising: traversing the address list by a traversing means in the presence program logic to find address properties relating to presence addresses (column 3 lines 9-21, column 8 lines 35-65).

14. Regarding claim 4, Godefroid disclosed a method comprising: utilizing an existing interface in the application to extend the address items in the address list of the application to also contain presence addresses (column 3 lines 9-21, column 8 lines 35-65).

15. Regarding claim 5, Kirmse disclosed a method comprising: utilizing an existing interface in the application to extend a toolbar in the application to comprise icons representing the presence states of members in a buddy list given by the user (Figures 14-15, column 8 lines 29-44, column 17 line 53-column 18 line 17).

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16. Regarding claim 6, Godefroid disclosed a method comprising: utilizing an existing interface in the application to extend the user interface to include input means for the user to use when he wants to change his presence state (column 5 lines 1-14, column 6 lines 4-18).

17. Regarding claim 7, Godefroid disclosed a method comprising: connecting the presence program logic to a PIM application [calendar, email, phone] operating in the terminal (column 3 lines 9-21, column 8 lines 35-50).

18. Regarding claim 8, Godefroid disclosed a method comprising: changing the presence state automatically depending on information in a calendar or a reminder list in the application, the interaction between the calendar or the reminder list and the presence program logic being performed through an interface already existing in the application (column 3 lines 9-21, column 8 lines 35-50).

19. Regarding claim 9, Godefroid and Kirmse disclosed a method comprising: adding at least one of an instant messaging, a telephone, and a video program logic to the application (Godefroid, column 2 lines 38-51, column 3 lines 9-21; Kirmse, column 3 lines 1-19, column 4 lines 11-32).

20. Regarding claim 10, Kirmse disclosed a method comprising: sending an instant message automatically depending on information in a calendar or a reminder list comprised in the application, the interaction between the calendar or the reminder list and the instant messaging program logic being performed through an interface already existing in the application (column 4 lines 11-32, column 6 lines 1-20, lines 49-63).

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21. Regarding claims 11-20, the system corresponds to the method of claims 1-10, and thus these claims are rejected using the same rationale.

22. Since all the limitations of the claimed invention were disclosed by the combination of Godefroid and Kirmse, claims 1-20 are rejected.

***Response to Arguments***

23. Applicant's arguments filed 07/15/2005 have been fully considered but they are not persuasive.

24. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "address information found in one application in a first user's computer is associated with presence information for other users via a presence service", "a first user can use an application to identify other users for which presence information should be retrieved") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

25. In response to applicant's argument that Godefroid fails to disclose or suggest "connecting a presence program logic to an application not already having functions for presence service", it is submitted that Kirmse was relied upon to disclose this limitation. In response to applicant's argument that Godefroid fails to disclose or suggest the claimed limitations, the Examiner asserts that Godefroid taught the pending claims as detailed in the rejection above. In addition, Godefroid disclosed, "the system automatically collects presence information about the user and automatically updates

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his or her presence information. In accordance with yet another aspect of the invention, the presence awareness system may use specification-based testing at run-time to monitor whether some users' presence awareness policies have inadvertently been violated, further strengthening the reliability of the system" (Abstract), "Many kinds of data can be used by current applications for presence awareness purposes, including whether a person is logged on (as in AOL Instant Messenger), audio and video of varying resolution, location information, and information about current environment (e.g., has the screen saver engaged, what web site is the user currently browsing, what file is currently being edited). Many kinds of "presence" data are generated automatically by the user's activities. Applications will be able to take advantage of additional sources of information as networks move toward convergence, i.e., carrying telephony and video, as well as, data from networked applications. Nearly any detectable event could conceivably find a legitimate use in some "presence aware" application" (column 2 lines 38-51), etc., thus it should be obvious that the presence detection service is disclosed in Godefroid.

26. In response to applicant's argument that there is no presence detection service, it is noted that Kirmse was relied upon to teach connecting a presence program logic to an application not already having functions for presence service and Godefroid was relied upon to teach the presence detection service. In addition, buddy list and presence detection service such as the buddy list disclosed in Kirmse are well known in the art at the time of the invention. Please refer to prior art of record for details.

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27. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

***Conclusion***

28. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

30. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (571) 272-3930. The examiner can normally be reached on M-F 9:00-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tp  
August 31, 2005

EP

  
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